



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

---

**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Hedy L. Chang, Mayor Pro Tempore  
Cynthia J. Cook, Council Member  
Steve Tate, Council Member  
Greg Sellers, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chairperson  
Cynthia J. Cook, Vice-Chairperson  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member  
Greg Sellers, Agency Member

---

**WEDNESDAY, SEPTEMBER 1, 1999**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**7:00 PM**

**CALL TO ORDER**

( Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**CITY COUNCIL REPORT**

Council Member/Vice-Chairperson Cook

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE  
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT  
IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

***City Council action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items No. 1 through No. 9 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

- 1). **PUBLIC WORKS TREE PRUNING/REMOVAL CONTRACT FOR  
FY 1999-2000** ..... 1  
**Recommended Action:** **Approve** the One-year Maintenance Contract Extension for Tree Pruning/removal to Shimada Landscape, Inc. in the Amount of \$80,450.
- 2). **APPROVE PURCHASE OF 150 KW GENERATOR FOR BOYS RANCH I WELL  
SITE** ..... 23  
**Recommended Action:** **Approve** the Purchase of an Elliott Magnetek MD 150 QD Trailer (Magnetek TED 10000) Mounted Generator for the Boys Ranch I Well Site from Pac Machine Co., Inc.
- 3). **CERTIFY CITY LIST OF PROJECTS FOR VALLEY TRANSPORTATION PLAN  
2020** ..... 25  
**Recommended Action:** **Adopt** Resolution No. 5311 Certifying the City Project List for Valley Transportation Plan 2020.
- 4). **ADDITIONAL EMERGENCY EXPENDITURE FOR CONSTRUCTION OF DIANA  
WELL #3** ..... 45  
**Recommended Action:** **Approve** Additional Emergency Expenditure of \$40,000 for Installation of the Pumping Equipment at Diana Well #3.

- 5). **FINAL MAP ACCEPTANCE FOR RIO SERENO (TRACT 9085)** ..... 51  
**Recommended Action:**  
1) **Approve** the Final Map, Improvement Plans and Subdivision Improvement Agreement,  
2) **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City, and  
3) **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
  
- 6). **SURPLUSING OF CABLECASTING EQUIPMENT** ..... 63  
**Recommended Action:**  
1) **Declare** Outdated Cable Equipment as Surplus;  
2) **Authorize** the Purchasing Officer to Sell Surplus Equipment to Other Cities for One Dollar, and  
3) **Authorize** the Purchasing Officer to Sell Surplus Equipment at an Auction If No Other Cities Are Interested.
  
- 7). **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 9052** ..... 67  
**Recommended Action:**  
1) **Adopt** Resolution No. 5313 accepting the Subdivision Improvements for Tract 9052, Commonly Known as East Main - Siena, and  
2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
  
- 8). **AMENDMENT TO THE AGREEMENT WITH THE LAW FIRM OF JORGENSON, SIEGEL, MCCLURE & FLEGEL, LLP IN THE AMOUNT OF \$90,000 FOR INTERIM CITY ATTORNEY SERVICES FOR THE PERIOD OF JULY - DECEMBER 1999** ..... 73  
**Recommended Action:** **Authorize** the City Manager to Execute an Amendment to the Agreement with the Firm of Jorgenson, Siegle, McClure & Flegel.
  
- 9). **APPOINTMENT TO THE SENIOR ADVISORY COMMITTEE** ..... 79  
**Recommended Action:** **Approve** Appointment to the Senior Advisory Committee by the Parks and Recreation Commission.

**LEGALLY NOTICED PUBLIC HEARINGS:**

- 10). **ZONING AMENDMENT APPLICATION ZA-98-16: CONDIT - HORIZON LAND**  
(continued from 8/18/99) ..... 83  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - **Motion to approve** Mitigated Negative Declaration;  
Action- **Motion to waive** the reading in full of Ordinance No. 1444 N.S. approving the Planned Unit Development;  
**Motion to introduce** Ordinance No. 1444 N.S. by title only.

- 11). **ZONING AMENDMENT ZA-99-06: WEST MIDDLE-ROCHA/VIERRA (APN 779-03-133 & 134)** ..... 107  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action- Motion to waive the reading in full of Ordinance No. 1454 N.S. approving the Planned Unit Development;  
Motion to introduce Ordinance No. 1454 N.S. by title only.
- 12). **ANNEXATION APPLICATION ANX 98-03: HALF RD.-HANN (APN 728-30-03 & 04)** ..... 119  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action – Motion to adopt Resolution No. 5310 for annexation.
- 13). **GPA-97-10 & ZA-99-01: MONTEREY - GOMES/TBI** ..... 133  
**Recommended Action:** Request staff presentation.  
Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action - Motion to approve Mitigated Negative Declaration;  
Action – Motion to adopt Resolution No. 5312 approving General Plan Amendment,  
Action- Motion to waive the reading in full of Ordinance No. 1455 N.S. approving the Zoning Amendment;  
Motion to introduce Ordinance No. 1455 N.S. by title only.
- OTHER BUSINESS:**
- 14). **YEAR 2000 COMPLIANCE PROJECT STATUS REPORT** ..... 193  
**Recommended Action:** Accept and file report.
- 15). **DESIGNATION OF A VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES' ANNUAL CONFERENCE** ..... 203  
**Recommended Action:** Approve appointment by Mayor of Voting Delegate and Alternate Voting Delegate to the League of California Cities' Annual Conference.
- 16). **LAS CASAS DE SAN PEDRO APARTMENTS** ..... 207  
**Recommended Action:** For discussion only.
- 17). **RESPONSE TO MR. MADLEM'S LETTER REGARDING THE PLACEMENT OF THE REHABILITATED ACTON FARMHOUSE ON THE LOT ADJACENT TO HIS PROPERTY ON WEST THIRD STREET** ..... 209  
**Recommended Action:** For information and discussion only.

## ***Redevelopment Agency action***

### **OTHER BUSINESS:**

- 18). **CONCEPTUAL PROPOSAL FOR THE RELOCATION OF THE ACTON FARMHOUSE** ..... 213  
**Recommended Action:** **Authorize** Staff to Complete Its Preliminary study for the Siting of the Acton Farmhouse at 65 West 3<sup>rd</sup> Street, including Meeting with Members of the Neighborhood. If deemed feasible, staff will process this proposal through the normal planning approval process and report back to the Agency with a final recommendation.

## ***City Council & Redevelopment Agency Action***

### **CONSENT:**

- 19). **APPROVAL OF REGULAR AND SPECIAL MEETING MINUTES OF AUGUST 18, 1999** ..... 215

## ***City Council Action***

**SECOND READING OF ORDINANCE:** Full Reading Waived By Majority Vote. (Government Code Section 36934)  
**Action -- Adopt** Ordinances by roll call vote.

- 20). **ADOPT ORDINANCE NO. 1442, NEW SERIES** ..... 241  
An Ordinance of the City Council of the City of Morgan Hill Amending Sections 6.04.010(A), (B), (O), (P), & (Q), 6.08.010, 6.08.030, 6.24.020(A)(3), 6.24.030, 6.24.070(A), 6.32.050, and 6.32.090 of Title 6 of the Municipal Code Regarding Animals, and Section 1.24.010 of Title 1 Regarding General Penalty, and Adding Sections 6.12.180, 6.12.190, 6.12.200, 6.24.020(A)(5), 6.24.035 to Title 6 of the Municipal Code Regarding Animals
- 21). **ADOPT ORDINANCE NO. 1443, NEW SERIES** ..... 253  
An Ordinance of the City Council of the City of Morgan Hill Amending Sections 6.36.030, 6.36.040, 6.36.050, 6.36.060, 6.36.070, 6.36.100, 6.36.210 6.36.300, and Deleting Sections 6.36.250, and 6.36.260 of Title 6, of the Municipal Code Regarding Animals and Land Use

**22). ADOPT ORDINANCE NOS. 1445 AND 1446, NEW SERIES . . . . . 259**

**ORDINANCE NO. 1445, NEW SERIES** – An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to the R-1 (7,000)RPD, Residential Planned Development Zoning District, on 18.54 Acres Located Within the Mission Ranch Development on the Southeast Corner of the Intersection of Cochrane Rd. And Mission View Drive. The Amendment to the Precise Development Plan Incorporates Phases III & IV (54 Units) into the Mission View Ranch Project. (APN 728-32-001, 002, 003 and 728-33-001) (Application ZA-99-07: Mission View-Mission Ranch), and

**ORDINANCE NO. 1446, NEW SERIES** – An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement with Dividend Homes Inc. for a 54-unit Portion (Phases III & IV) of the Mission Ranch Project Which Has Been Awarded Allocations Through the Residential Development Control System for Fiscal Year 2000-01, and Fiscal Year 2001-02. (Application DA-99-01: Mission View-Mission Ranch)

**23). ADOPT ORDINANCE NOS. 1447, 1448, 1449, 1450, 1451, 1452 AND 1453 . . . . . 287**

**ORDINANCE NO. 1447, NEW SERIES** – An Ordinance of the City Council of the City of Morgan Hill Amending Section 1.01.010, Chapter 1.01, Title 1 of The Morgan Hill Municipal Code, to Include The Current Editions of The California Building, Housing, Administrative, Mechanical, Plumbing, And Fire Codes; The National Electrical Code; And The Uniform Code For The Abatement of Dangerous Buildings,

**ORDINANCE NO. 1448, NEW SERIES** – An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.08.010, 15.08.020, 15.08.040, 15.08.090, 15.08.100, 15.08.110, 15.08.120, 15.08.130, 15.08.140, 15.08.150, 15.08.160, 15.08.170, 15.08.190, 15.08.200, and 15.08.210 of the Morgan Hill Municipal Code and Adopting the 1998 Edition of the "California Building Code" and the 1997 Edition of the "Uniform Building Code", Volumes 1, 2, & 3, Including Chapters 3 Division II, 15, 18, 31 Division II & III, and 33 of the Appendix Thereto, Published by the International Conference of Building Officials, with Amendments, as the Building Code of the City of Morgan Hill, with the Exclusion of Sections 103 Through 109 Inclusive, Chapter 13, Appendix Chapter 13, Chapter 29, Appendix 29 Section 2320.11.3, Item 5,

**ORDINANCE NO. 1449, NEW SERIES** – An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.12.020, 15.12.040, 15.12.060 and Deleting 15.12.050 of the Morgan Hill Municipal Code and Adopting the 1996 Edition of the "National Electrical Code," Published by the National Fire Protection Association, with Amendment, as the Electrical Code of this City,

An Ordinance of the City Council of the City of Morgan Hill Amending Sections 15.16.010, 15.16.020, and Deleting 15.16.050 of the Morgan Hill Municipal Code and Adopting the 1998 Edition of the "California Mechanical Code," and the 1997 Edition of the "Uniform Mechanical Code," Published by the International Conference of Building Officials, with Amendments, as the Mechanical Code of this City, with the Exclusion of Sections 103 Through 117 and Appendix A-D Inclusive,

An Ordinance of ~~ORDINANCE NO. 1451, NEW SERIES~~ Amending Sections 15.20.010, 15.20.020, 15.20.030, 15.20.040, 15.20.050, 15.20.060, 15.20.070, 15.20.080, 15.20.100 and Deleting 15.20.090 of the Morgan Hill Municipal Code and Adopting the 1998 Edition of the "California Plumbing Code," and the 1997 Uniform Plumbing Code Published by the International Association of Plumbing & Mechanical Officials, with Amendments, as the Plumbing Code of this City, with the Exclusion of Sections 10.04 Through 20.14, Inclusive,

~~ORDINANCE NO. 1452, NEW SERIES~~ An Ordinance of the City Council of the City of Morgan Hill Amending Section 15.40.010 of the Morgan Hill Municipal Code and Adopting the 1997 Edition of the "Uniform Housing Code", Published by the International Conference of Building Officials, with Amendment, as the Housing Code of this City, with the Exclusion of Sections 104, 203, 204, 302 and 303, and

An Ordinance of ~~ORDINANCE NO. 1453, NEW SERIES~~ Amending Section 15.56.020 of the Morgan Hill Municipal Code and Adopting the 1997 Edition of the "Uniform Code for the Abatement of Dangerous Buildings," Published by the International Conference of Building Officials, with Amendments, as the Abatement of Dangerous Buildings Code of this City, with the Exclusion of Sections 203 Through 205, Inclusive.

**ADJOURN TO CLOSED SESSION:**

**OPPORTUNITY FOR PUBLIC COMMENT**

**CLOSED SESSION:**

Pursuant to Government Code 54957  
Public Employee Performance Evaluation and Goal Setting: City Manager

**CLOSED SESSION ANNOUNCEMENT:**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**